

**MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF SUMMIT
Monday, June 5, 2023**

The June 5, 2023, meeting of the City of Summit Zoning Board of Adjustment was opened at 7:30 p.m., with five applications on the meeting's agenda.

Adequate Notice Statement

The meeting commenced with the Adequate Notice Statement, where Chairman Spurr informed the public in accordance with N.J.S.A. 10:4-10 that adequate notice of this meeting has been provided by publication in the City's officially designated newspapers and by posting at City Hall.

The Board Members listed below were present for tonight's meeting. Board Secretary Ms. Soulios called the Roll:

- Chairman, Steven Spurr
- Vice Chairman, Joseph Steiner
- David Mollin
- Walter Gonzalez
- Ayman Maleh
- Scott Loikits
- Elizabeth Newell

The Board Members listed below were excused from tonight's meeting.

- Alternate 1, Claire Toth
- Alternate 2, Diana Sajer
- Alternate 3, Jay Fehskens
- Alternate 4, Thomas Ucko

Attorney Dennis Galvin substituted for Board Attorney Andy Ball.

IN THE MATTER OF THE AGENDA:

Chairman Spurr reviewed the agenda for the evening. The following application was ready to proceed:

- **Application: ZB-22-2168, 22 Beverly Road, Tara and Marty Millman, BL: 508 L: 11, C variance for building coverage; proposed raised deck and stairs at kitchen walk-off.**
- **Application: ZB-22-2184, 610 Springfield Avenue, James and Claire Kane, BL: 2803 L: 1, front yard setback; proposal for new deck.**
- **Application: ZB-22-2173, 75 Tulip Street, Anthony and Erika Papeo, BL: 3208 L:2, Addition to rear and right of the home, both first and second floors including addition to the basement.**

- **Application:** ZB-23-2182, 22 Dogwood Drive, Caroline and Dennis Collins, BL: 2305 L: 19, C variances for front yard setback and combined yard setback. Propose to renovate kitchen, breakfast area, family room, and addition to rear
- **Application:** ZB-23-2183, 19 Oak Ridge Avenue, Max Gale and Liliya Belaus, BL: 4502, L: 3, C variance for side yard setback. Proposes second story addition in the rear left corner of home.

The Board memorialized a resolution of denial:

- 14 Franklin Place, BL: 3401 L: 19, ZB-22-2170. The eligible voting members are Chairman Spurr, Vice Chairman Steiner, Mr. Mollin, Mr. Gonzalez, Ms. Toth, Mr. Fehskens, Mr. Ucko.

The motion to *approve* this resolution was made by Mr. Mollin and it was *seconded* by Mr. Gonzalez. A roll call vote was completed with the results listed below:

VOTE: YES: Chairman Spurr, Vice Chairman Steiner, Mr. Gonzalez, Mr. Mollin, Mr. Maleh
 ABSTAIN: None
 NO: None

The Board memorialized a resolution of extension:

- 129 Whittredge, BL: 2502 L: 21, ZB-22-2128. The eligible voting members are Vice Chairman Steiner, Mr. Ucko, Ms. Newell, Mr. Maleh, Mr. Loikits, Ms. Toth, and Mr. Gonzalez

The motion to *approve* this resolution was made by Ms. Newell and it was *seconded* by Mr. Loikits. A roll call vote was completed with the results listed below:

VOTE: YES: Vice Chairman Steiner, Ms. Newell, Mr. Maleh, Mr. Loikits
 ABSTAIN: None
 NO: Mr. Gonzalez

The Board memorialized Minutes from:

- June 5, 2023

A motion of *approval* was made by Mr. Gonzalez and was seconded by Mr. Mollin

A voice vote was conducted, all were in favor, and none were opposed.

City of Summit Zoning Board of Adjustment Meeting: The applications listed below were heard this evening.

- **Application:** ZB-22-2168, 22 Beverly Road, Tara and Marty Millman, BL: 508 L: 11, C variance for building coverage; proposed raised deck and stairs at kitchen walk-off.

Mr. Martin Millman was sworn in by Mr. Galvin. Mr. Millman lives at the residence of 22 Beverly Road with his wife and two children. His proposal for a new deck is a modest improvement to his yard to make the area more usable. Mr. Millman and his family look forward to utilizing their yard with the proposed improvements.

Mr. Millman introduced a series of exhibits during his testimony.

- Exhibit A1, pictures, 'December 2016.'**
- Exhibit A2, pictures, 'Today.'**
- Exhibit A3, pictures, 'Existing- Backyard.'**
- Exhibit A4, pictures, 'Backyard- Proposed.'**
- Exhibit A5, Grading Mark-up.**

Mr. Millman stated that the new deck being proposed will be 462 square feet. It will be approximately 20x22 plus coverage for the stairs. Ms. Dipti Sheth, Board Engineer, had questions regarding drainage and the measurement of lot coverage. Mr. Millman stated he is waiting on updated grading plans from his civil engineer, and that the new plans will encompass Ms. Sheth's recommendations in her memo, including showing the limit of disturbance on the new plan.

The board pointed out Mr. Linson, City Forester's comment, regarding the recommendation for Mr. Millman to install privacy trees. Mr. Millman stated that he plans to install a fence, requesting permission to do that instead of the trees. The board agreed that Mr. Millman can build a fence and added that as a condition for approval.

The board deliberated, concluding that the application is requesting modest improvements, thus able to support the application.

In conclusion, the Board, after careful deliberations, *approved* the variance requested if the following conditions are met:

1. Compliance with conditions noted in Board Engineer's Memorandum.
2. Applicant must build either a fence consisting of horizontal boards, 6 feet tall, all around the property, or privacy trees as recommended in the City Forester's memo. The applicant must do it once they obtain their building permit.

The motion to *approve* this application was made by Mr. Loikits and it was *seconded* by Ms. Newell. Mr. Mollin recused from this application. A roll call vote was completed with the results listed below:

VOTE: **YES:** Chairman Spurr, Vice Chairman Steiner, Ms. Newell, Mr. Gonzalez, Mr. Maleh, Mr. Loikits
 ABSTAIN: None
 NO: None

- **Application: ZB-22-2184, 610 Springfield Avenue, James and Claire Kane, BL: 2803 L: 1, front yard setback; proposal for new deck.**

The application was introduced by the applicant, Mr. James Kane, who was sworn in by Mr. Galvin. He explained that he proposes to build a deck on the side of the property. He wants the deck just large enough to fit a table and chairs.

Mr. Jack Kelly, architect, was also sworn in by Mr. Galvin. Mr. Kelly stated that the property is a corner lot and would need a variance for a front yard setback. He also stated that if the deck complied, it would be too small to be useful. The home does not have a garage, but a driveway that cuts through the backyard. For safety

purposes, the homeowner is never backing out of their driveway, but leaving safely on High Street or Springfield Avenue.

During his testimony, Mr. Kelly clarified that the house is 3 stories.

The board asked if any work done on the house is subject to DPW review, due to the house's proximity to the creek. Mr. Kelly responded that it is not close enough to the creek to warrant DPW involvement, being 75 feet away.

In conclusion, the Board, after careful deliberations, *approved* the variance requested if the following conditions are met:

1. Compliance with conditions noted in Board Engineer's Memorandum.
2. Location of the A/C unit is confirmed.

The motion to *approve* this application was made by Mr. Loikits and it was *seconded* by Mr. Maleh. A roll call vote was completed with the results listed below:

VOTE: **YES:** Chairman Spurr, Vice Chairman Steiner, Ms. Newell, Mr. Gonzalez, Mr. Maleh,
 Mr. Loikits, Mr. Mollin
 ABSTAIN: None
 NO: None

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- **Application: ZB-22-2173, 75 Tulip Street, Anthony and Erika Papeo, BL: 3208 L:2, Addition to rear and right of the home, both first and second floors including addition to the basement.**

Mr. Anthony Papeo was sworn in by Mr. Galvin. Mr. Papeo introduced his application, stating his requested variance is to gain a little more space in the house for his family.

Mr. Yuval Wellisch, the architect for the application, was sworn in by Mr. Galvin. Mr. Wellisch stated that the house is very small, being 1700 square feet. They are looking to increase the footage to 2145 square feet. The addition to the first floor is to open the house. The basement will have a rec room, laundry room, full bathroom, and guest room. There will be egress out of the home through the basement.

Mr. William Scott was sworn in by Mr. Galvin. Mr. Scott stated that all work proposed will be done behind the home. The house is situated closer to the rear yard. There will be no demolition of the main structure.

In conclusion, the Board, after careful deliberations, *approved* the variance requested.

1. Compliance with conditions noted in Board Engineer's Memorandum.
2. The dwelling shall have no kitchen elements in the basement.
3. Safely prune the oak tree.

The motion to *approve this application* was made by Mr. Mollin and it was *seconded* by Mr. Loikits. A roll call vote was completed with the results listed below:

VOTE: **YES:** Chairman Spurr, Vice Chairman Steiner, Ms. Newell, Mr. Gonzalez, Mr. Mollin,
 Mr. Maleh, Mr. Loikits
 ABSTAIN: None
 NO: None

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- **Application:** ZB-23-2182, 22 Dogwood Drive, Caroline and Dennis Collins, BL: 2305 L: 19, C variances for front yard setback and combined yard setback. Propose to renovate kitchen, breakfast area, family room, and addition to rear

Ms. Caroline Collins was sworn in by Mr. Galvin. She stated that her home is a 100-year-old Dutch Colonial, located on an irregular shaped lot and odd positioning of the house.

Ms. Kim Tone was sworn in by Mr. Galvin. Ms. Tone reiterated that the lot is corner facing Dogwood Drive, and then is triangular onto Hobart Road. Ms. Tone stated that the plan is to restore some original character of the home.

In conclusion, the Board, after careful deliberations, *approved* the variance requested.

1. Compliance with conditions noted in Board Engineer's Memorandum.

The motion to *approve this application* was made by Ms. Newell and it was *seconded* by Mr. Loikits. A roll call vote was completed with the results listed below:

VOTE: **YES:** Chairman Spurr, Vice Chairman Steiner, Ms. Newell, Mr. Gonzalez, Mr. Mollin,
 Mr. Maleh, Mr. Loikits
 ABSTAIN: None
 NO: None

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- **Application:** ZB-23-2183, 19 Oak Ridge Avenue, Max Gale and Liliya Belaus, BL: 4502, L: 3, C variance for side yard setback. Proposes second story addition in the rear left corner of home.

Mr. Gale was sworn in by Mr. Galvin and introduced his application. Mr. Gale stated that he is also seeking more room for him and his family who lives at the residence. Mr. Gale is seeking a variance for a side yard setback.

Mr. Kelly, the architect, spoke about the lot area, which was originally calculated using the right of way. Mr. Kelly displayed **Exhibit A1**, *site area*, which showed a new site area plan excluding the right of way.

Ms. Sheth asked if there would be any site work done related to additional utilities, to which Mr. Kelly responded no.

In conclusion, the Board, after careful deliberations, *approved* the variance requested.

1. Compliance with conditions noted in Board Engineer's Memorandum.

The motion to *approve this application* was made by Mr. Gonzalez and it was *seconded* by Ms. Newell. A roll call vote was completed with the results listed below:

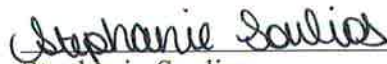
VOTE: **YES:** Chairman Spurr, Vice Chairman Steiner, Ms. Newell, Mr. Gonzalez, Mr. Mollin,
 Mr. Maleh, Mr. Loikits
 ABSTAIN: None
 NO: None

Adjourn

The meeting concluded at 9:25 p.m.



Steven Spurr
Chairman
City of Summit
Zoning Board of Adjustment



Stephanie Soulios
Board Secretary
City of Summit
Zoning Board of Adjustment